

**To:** Khan, Annie (DPH)[Annie.Khan@MassMail.State.MA.US]  
**From:** Fleming, Michelle (SUF)  
**Sent:** Tue 3/8/2011 1:00:49 AM  
**Subject:** Re: Comm v. [REDACTED]

Thanks Annie. I'll try my best to argue that you should be permitted to testify. I prepared a motion in limine to address this issue. I'll let you know what the judge says (assuming we get that far tomorrow).

Sent from my iPhone

On Mar 7, 2011, at 7:54 PM, "Khan, Annie (DPH)" <Annie.Khan@MassMail.State.MA.US> wrote:

> FYI: This is the advice that was relayed to me by the Evidence Office Supervisor.

>

> -Annie

>

> Hi Annie,

>

> I hope that the marijuana is a small part of this case and you were part of the more sufficient amount of evidence. We will not be able to accomodate retesting on such short notice given the current backlog of samples that have yet to be tested. My hope is that the judge would allow you to review Stacey's notations and see where that takes things.

>

> If the case gets continued for any reason we can revisit the retesting of the marijuana if it is crucial to the case. I believe we should hold strong to the approach that we will offer up "an expert" to testify for an absent chemist, otherwise all retesting for Melendez-Diaz issues will be decided on a case by case basis by Julie or Chuck and will take a number of weeks to process.

>

> ELO

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> From: Fleming, Michelle (SUF)  
> Sent: Monday, March 07, 2011 6:55 PM  
> To: Khan, Annie (DPH)  
> Subject: Re: Comm v. [REDACTED]

>

> Hi Annie,

>

> Would it be okay for me to have one of the officers resubmit the marijuana tomorrow?

>

> Sent from my iPhone

>

> On Mar 7, 2011, at 6:51 PM, "Khan, Annie (DPH)" <Annie.Khan@MassMail.State.MA.US> wrote:

>

>> Thanks for the update.

>>

>> Annie

>> Drug Analysis Lab

>> 617-983-6631 (work)

>> 617-983-6625 (fax)

>>

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>> From: Fleming, Michelle (SUF)  
>> Sent: Monday, March 07, 2011 3:50 PM  
>> To: AOrtiz@chelseama.gov; EGonzalez@chelseama.gov; CVega@chelseama.gov;

RDigaetano@chelseama.gov; Brizuela, William; Delaney, Daniel; MNoone@chelseama.gov; Khan, Annie (DPH); Lynch, Tim; Haselton, Richard (POL)

>> Subject: Comm v. [REDACTED]

>>

>> Hello Everyone,

>>

>> I was contacted by the clerk in the session where this case is scheduled. He told me to put you on call for tomorrow. The defense attorney and I have a legal issue to deal with in the morning and it may delay the start tomorrow or cause us to have a continuance to a future date.

>>

>> I have all of your cell phone numbers, so I'll be in touch.

>>

>> Michelle

>>

>> Michelle D. Fleming

>> Assistant District Attorney

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